



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590



MAY 29 2013

REPLY TO THE ATTENTION OF:

C-14J

BY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. James Connell  
1335 North Astor Street, Apt. 5A  
Chicago, Illinois 60610

Re: Administrative Warrant to Effectuate Response Action to Eliminate an Imminent and Substantial Threat of Endangerment to Public Health and Welfare  
947 West Cullerton Avenue, Chicago, Illinois

Dear Mr. Connell:

Enclosed please find a true and correct copy of an Administrative Warrant regarding the above property, dated May 28, 2013 and issued by a United States magistrate Judge under the authority of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601 *et seq.* As recited in the warrant, the U.S. Environmental Protection Agency intends to enter the property on or about June 17, 2013 to conduct a time-critical removal action, which is expected to involve excavation and removal of contaminated soil.

If you have questions about U.S. EPA's entry of the property, you are welcome to contact Mr. Steven Faryan at (312) 353- 9351. If you have questions about U.S. EPA's legal authority to enter the property, you or your attorney may contact me at (312) 886-0814. The U.S. EPA expressly reserves its enforcement authorities under CERCLA and all other applicable laws.

Sincerely,

Thomas Williams  
Associate Regional Counsel

Enclosure

cc (w/ enclosure):  
Steven Faryan (SE-5J)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN THE MATTER OF:

Loewenthal Metals Site

947 West Cullerton Street  
Chicago, Cook County, Illinois

Civil Docket No. **13M248**

**ADMINISTRATIVE WARRANT TO EFFECTUATE  
REMOVAL RESPONSE ACTION TO ELIMINATE AN IMMINENT AND  
SUBSTANTIAL ENDANGERMENT TO PUBLIC HEALTH AND WELFARE**

**TO:** SUSAN HEDMAN, REGIONAL ADMINISTRATOR, UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY, REGION 5, AND ANY DULY  
DESIGNATED EMPLOYEES OR REPRESENTATIVES OF U.S. EPA.

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Proper application having been made pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §§ 9601 *et seq.* ("CERCLA") for an administrative warrant to effectuate a response action to at the property known as 947 West Cullerton Street, parcel number 17-20-433-003-000, Chicago, Illinois ("the Loewenthal Metals Site," or "Site")(parcel number 17-20-433-003-000 also contains the address commonly known as 2006 South Sangamon Street, Chicago Illinois, which intersects West Cullerton Street at the location identified above), this Court finds that the United States has established reasonable grounds for issuance of an administrative warrant to authorize representatives of the United States Environmental Protection Agency ("U.S. EPA" or the "Agency"), including contractors and other representatives authorized by U.S. EPA to assist in the execution of this warrant, to enter to perform a removal action as required and necessary pursuant to Section 104(a) and (e)(3) of CERCLA, 42 U.S.C. § 9604(a), (e)(3). The materials supporting the United States' Application for Ex Parte

Administrative Warrant to Effectuate a Removal Response Action consist of the Declarations of U.S. EPA On-Scene Coordinator Steven Faryan, and Civil Investigator Maureen O'Neill.

The supporting materials submitted to this Court establish that there is reasonable evidence that there has been a release and an ongoing threat of release of one or more hazardous substances, pollutants or contaminants that present a threat or potential threat to human health or the environment, including foundry and smelter-related wastes containing lead, arsenic, copper, manganese and zinc. The supporting materials further establish that the Site's owner is Mr. James Connell and the Site is currently vacant except for a concrete slab. As described in Section 2 of the Application for an Ex Parte Administrative Warrant, U.S. EPA has attempted on several occasions to obtain consent from Mr. Connell to conduct the removal action at the Site, including the actions described below.

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In its Application for an Ex Parte Administrative Warrant, as supported by the declarations identified above, U.S. EPA has explained the scope and nature of its planned removal action at the Site under CERCLA, and the estimated number of days that will be required to properly complete the removal action. U.S. EPA will effectuate the following actions:

- (1) develop and implement a Site health and safety plan, sampling plan and work plan;
- (2) implement Site security measures, as necessary;
- (3) conduct extent of contamination sampling to further delineate the extent of contaminated soil on site;
- (4) excavate on site soil with contaminant concentrations above the residential RML of 400 mg/kg for lead and 39 mg/kg for arsenic. Soils with lead and arsenic above the cleanup levels will be removed down to a depth that ensures that future use of the Site allows for residential

development and unrestricted exposure by construction workers to Site soils;

(5) treat excavated material with a fixation agent prior to disposal, and transport and dispose of all hazardous waste at an EPA-approved disposal facility in accordance with EPA's Off-Site Rule, 40 C.F.R. § 300.440;

(6) backfill all excavated areas with clean soil and grade as appropriate; and

(7) restore excavated areas and vegetate to prevent soil erosion.

These actions are designed to abate an imminent and substantial endangerment to human health and the environment posed by a release and threatened releases of hazardous substances within the meaning of Sections 101(22) and 104(a) and (e). 42 U.S.C. §§ 9601(22) and 9604(a) and (e).

U.S. EPA expects that it will take approximately sixty days to complete the removal activities described above.

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THEREFORE, IT IS HEREBY ORDERED that, pursuant to Section 104(a) and (e) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. § 9604(a) and (e), the United States Environmental Protection Agency and its duly designated representatives, including contractors and representatives authorized by the U.S. EPA to assist in the execution of this warrant, are hereby entitled to and are hereby permitted to enter upon the premises and property located at 947 West Cullerton Street, parcel number 17-20-433-003-000, Cook County, Chicago, Illinois (parcel number 17-20-433-003-000 also contains the address commonly known as 2006 South Sangamon Street, Chicago, Illinois, which intersects West Cullerton Street at the location identified above), for the purposes of conducting at the Site the removal action described above under the provisions of the Comprehensive Environmental Response, Compensation and

Liability Act. As part of the removal action, the U.S. EPA, including contractors and representatives authorized by the U.S. EPA to assist in the execution of this warrant, is permitted to enter and re-enter the Site in order to conduct the removal actions as the Agency deems necessary.

The entry and effectuation of the removal response action shall be conducted within reasonable limits and in a reasonable manner between the hours of 8:00 a.m. and 7:00 p.m., shall commence on or about June 17, 2013 and shall continue for the number of days that are reasonably necessary for the U.S. EPA to complete the actions described above.

A copy of this warrant shall be left at the Site at the time the removal actions commence. A copy shall also be delivered to the last known address of James Connell at 1335 North Astor Street, Apartment 5A, Chicago, Illinois.

The persons conducting any sampling shall leave a receipt for any property or samples taken and prepare a written inventory of such property, pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604(e), and shall return this warrant with the written inventory to this Court within thirty (30) days from the final date of the removal actions.

The United States Marshal is hereby authorized and directed to assist representatives of the U.S. EPA in such manner as reasonably may be necessary and required to execute this Warrant and the provisions contained herein, including, but not limited to, gaining entry upon the premises, the effectuation of a removal action, and the collection of samples from the premises.

DATED THIS 28<sup>th</sup> DAY OF May, 2013.

Stacy Truinger  
UNITED STATES MAGISTRATE JUDGE

